

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Case No. 1:10-cv-965
Honorable Janet T. Neff

Plaintiff,

v.

RANIR, LLC,

Defendant.

_____ /

CONSENT DECREE

The United States Equal Employment Opportunity Commission (“Commission” or “EEOC”) filed this action against Ranir, LLC (hereinafter “Ranir”) to enforce the Americans with Disabilities Act of 1990, 42 U.S.C. § 12112(a) (“ADA”). The EEOC alleged that Ranir violated the ADA by denying Judith Fuller an accommodation and discharging her because of her disability in violation of the ADA. Ranir denies that it violated the ADA or engaged in any conduct toward Ms. Fuller that would violate the ADA, and is entering into the Consent Decree (“Decree”) for the purposes of resolving disputed claims, and without any admission of liability or wrongdoing.

The Commission and Ranir agree that this action should be resolved by entry of this Decree. The parties do not object to the Court’s jurisdiction over this action and waive their right to a hearing and the entry of findings of fact and conclusions of law. The Court hereby finds, based on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this

action; (2) implementation of this Decree will advance the purposes and provisions of the ADA; and (3) this Consent Decree resolves all matters and claims in controversy in this lawsuit as provided in paragraphs 1 through 18 below.

Therefore, it is hereby ORDERED, ADJUDGED AND DECREED:

1. Ranir shall make reasonable accommodations to the known physical or mental limitations of otherwise qualified individuals with disabilities who are applicants or employees, in accordance with the requirements of the ADA.

2. Ranir shall not (a) discriminate against any employee on the basis of disability, as those terms are defined under the ADA; nor (b) retaliate against any employee because s/he: (i) opposes discriminatory practices made unlawful by the ADA; (ii) files a charge of discrimination or assists or participates in the filing of such a charge; or (iii) assists or participates in an investigation or proceeding brought under the Federal laws prohibiting discrimination or retaliation, as those terms are defined under the ADA and other applicable Federal laws.

3. Nothing stated in paragraphs 1 and 2 shall be construed as requiring Ranir to do anything that is not required under the ADA or to refrain from doing anything that is allowed under the ADA.

CORRECTIVE POLICIES AND PRACTICES

4. Accommodation Policy. Ranir will develop, distribute and enforce a Reasonable Accommodation Policy in the form specified as follows, which Ranir will post on its bulletin board and shall distribute to each current employee within 90 days of the date of this Decree and to each new employee when hired:

REASONABLE ACCOMMODATION POLICY

Ranir is committed to providing equal employment opportunity for qualified individuals with disabilities. Therefore, Ranir will provide reasonable accommodation for a qualified individual's disability with accommodation that is necessary for the individual to perform the essential functions of his or her job, or when the individual needs time away from work.

If you believe that you require accommodation of a disability, please notify the Human Resources Department promptly. If you are requesting accommodation pursuant to state law, you must do so in writing within 182 days after the need for accommodation arises. Federal law does not have such requirements: under Federal law you may make your request at any time, either in writing or orally. Please do not submit your request to your immediate supervisor, as the Human Resources staff is trained to work through the accommodation process with you.

Upon notice for the need for accommodation, the Human Resources Department will work with you to identify and evaluate possible accommodations. Each request will be evaluated based on the circumstances of that particular situation. Because of this, your participation and cooperation in the accommodation process will be important. For purposes of assessing your disability and functional limitations, you may be required to provide medical documentation.

Reasonable accommodation may include making facilities accessible, job restructuring, part-time or modified work schedules, acquiring or modifying equipment, reassignment to a vacant position, or leave of absence. Ranir may decline to make an accommodation where it would be unreasonable, present a direct threat to health or safety, or where it would impose an undue hardship on the company or the employees. When more than one accommodation would be effective to address the situation, Ranir reserves the right to choose the accommodation that would pose the least hardship to the Company.

If you are granted leave of absence as a reasonable accommodation, you will be returned to your former position, unless holding the position open would cause an undue hardship. If you are requesting a leave of absence, you must provide an approximate date of return. Leaves of absence will not be granted on an open-ended or indefinite basis.

Ranir will not retaliate against or tolerate retaliation against anyone for requesting an accommodation. If you disagree with the Human Resources Department with respect to any request for accommodations, you may appeal to Ranir's General Counsel.

5. Ranir shall post the Notice (attached as Attachment A) in the same type, style, and size for the duration of this Decree, in a conspicuous place where employee notices are posted, along with a copy of Ranir's Reasonable Accommodation Policy discussed in ¶ 4 above.

6. Ranir shall conduct a training program for all employees, including managers, supervisors, and human resources staff with respect to the ADA, including the accommodation requirements and procedures, along with Ranir's Reasonable Accommodation Policy and the Company's duty to provide reasonable accommodations. Ranir will conduct such training on an annual basis during the term of the Decree. All employees shall register when they attend training, and Ranir shall maintain the registry and training syllabus, providing reports as set forth under ¶ 8.

7. Ranir's Human Resources Department shall make reasonable efforts to establish and maintain in a separate file records of all requests for reasonable accommodation, including an explanation of the interactive process, the nature of the accommodation requested and/or granted, and an explanation for why the accommodation was or was not provided.

REPORTING AND ACCESS

8. Ranir shall submit the following in writing and in affidavit form to the Commission's Regional Attorney to Laurie A. Young, Regional Attorney, care of Dale Price, Trial Attorney, EEOC, 477 Michigan Avenue, Room 865, Detroit,

Michigan 48226, beginning 120 days from the date of this Decree, and thereafter annually for the duration of the Decree:

- A. A copy of the policies and procedures required above (see ¶¶ 4-5 above);
- B. The training syllabus and registry of persons attending the training required above in ¶6;
- C. Confirmation that (i) the Notice and policies required above (see ¶¶ 4-5 were posted, and the locations where they were posted; and (ii) the policies and procedures required above were distributed to each current and each new Company employee.

9. The Commission shall have the right, with reasonable notice, at reasonable times during regular business hours, defined as 9:00 am to 5:00 pm Eastern Time, and no more than twice per year, to enter and inspect Ranir's premises to ensure compliance with this Decree, including examining relevant documents.

COSTS AND DURATION

10. Each party shall bear its costs and attorney's fees incurred as a result of this action.

11. Absent extension, this Decree shall expire by its own terms at the end of three years without further action by the Parties.

REMEDIES FOR NON-COMPLIANCE

12. This Court shall retain jurisdiction over this action for the duration of the Decree. During this time, either party may petition this Court to order

compliance with the Decree. Should the Court determine that either party has not complied, the Court may order any appropriate relief, including extension of the Decree, for the time necessary to remedy non-compliance.

MISCELLANEOUS

13. If any provision of this Decree is found to be unenforceable by a court, only the specific provision in question shall be affected, and the other enforceable provisions shall remain in full force and effect.

14. Any modification to this Decree can only be made by the Court.

15. The terms of this Decree shall be binding upon the parties and Ranir's successors and assigns.

16. Prior to selling all or substantially all of its assets to another person or entity during the duration of this Decree, Ranir shall inform the person or entity of this Decree and provide the person or entity with a copy of this Decree.

17. The Court will retain jurisdiction of this cause for three years for purposes of monitoring compliance with the Decree and entry of such further orders or modifications as may be necessary or appropriate.

18. Prior to issuing any press release with respect to this Decree, the Commission will provide a copy to Ranir and will allow 24 hours for review.

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

RANIR, LLC

_____/s/ Dale Price_____
DALE PRICE (P55578)
Trial Attorney
DETROIT FIELD OFFICE
Patrick V. McNamara Federal Building
477 Michigan Ave, Room 865
Detroit, Michigan 48226
(313) 226-7808
dale.price@eeoc.gov

Dated: September 4, 2013

By: ____/s/ Joseph J. Vogan (by DP w/p)_____
Joseph J. Vogan
Its: Attorney
Varnum LLP
Bridgewater Place
Post Office Box 352
Grand Rapids, Michigan 49501
(616) 336-6666
jjvogan@varnumlaw.com

Dated: September 4, 2013

IT IS SO ORDERED:

_____, 2013
Date

Hon. Janet T. Neff

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ATTACHMENT A

EMPLOYEE NOTICE

NOTICE OF NON-DISCRIMINATION POLICY

Federal law requires that there be no discrimination against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, age (40 and over), or disability with respect to hire, layoff, or other terms, conditions, or privileges of employment.

Ranir, LLC supports and will comply with such Federal law in all respects and will maintain a work environment free of discrimination. Ranir, LLC has also adopted a Reasonable Accommodation Policy, which is posted on the bulletin board.

Employees are encouraged to report to the Human Resources Department any allegations of discrimination in the workplace. Employees also have the right to contact the U. S. Equal Employment Opportunity Commission for the purpose of filing a charge of employment discrimination.

Questions concerning this notice may be addressed to:

The Human Resources Department

or

Equal Employment Opportunity Commission

477 Michigan Avenue, Room 865

Detroit, Michigan 48226

Telephone: (313) 226-4600

EEOC 800 # 1-800-669-4000

TDD (313) 226-7599